

# MEDICAL DISPUTE RESOLUTION FINDINGS AND DECISION

## PART I: GENERAL INFORMATION

<b>Type of Requestor:</b> (X) HCP ( ) IE ( ) IC	<b>Response Timely Filed?</b> ( ) Yes (X) No
Requestor First Street Surgical Center 411 First St. Bellaire, TX 77401	MDR Tracking No.: M4-04-3453-01
	TWCC No.:
	Injured Employee's Name:
Respondent Lumbermens Underwriting Alliance Rep. Box # 19	Date of Injury:
	Employer's Name: Masonite Holdings Inc.
	Insurance Carrier's No.: TX 279741

## PART II: SUMMARY OF DISPUTE AND FINDINGS

Dates of Service		CPT Code(s) or Description	Amount in Dispute	Amount Due
From	To			
5-9-03	5-9-03	26440, 26597, 26115-59, 14040	\$9524.00	\$1877.85
		Insurance carrier's payment (subtracted)		(\$2236.00)
		Total Amount Due		\$0.00

## PART III: REQUESTOR'S POSITION SUMMARY

Our facility feels this payment is neither fair nor reasonable. Carrier has reduced charges down to nothing and paid nothing not even 25% of charges. This is ridiculous!

## PART IV: RESPONDENT'S POSITION SUMMARY

This dispute concerns reimbursement for outpatient surgery. The Texas Labor Code requires reimbursement for all medical expenses to be fair and reasonable and designed to ensure the quality of medical care and to achieve effective medical cost control.

The billing in dispute has been paid at a fair and reasonable rate in accordance with TWCC guidelines, policies and rules, and the Texas Labor Code. Carrier has determined that \$2236.00 is equal to or greater than fair and reasonable reimbursement for this service.

## PART V: MEDICAL DISPUTE RESOLUTION REVIEW SUMMARY, METHODOLOGY, AND/OR EXPLANATION

This dispute relates to services provided in an Ambulatory Surgical Center that are not covered under a fee guideline for this date of service. Accordingly, the reimbursement determined through this dispute resolution process must reflect a fair and reasonable rate as directed by Commission Rule 134.1. This case involves a factual dispute about what is a fair and reasonable reimbursement for the services provided.

Claimant underwent contracture release of posterior interphalangeal joint, right index finger, modified capsulotomy, posterior interphalangeal joint, right index finger, contracture release, distal interphalangeal joint, right index finger, tenolysis flexor profundus tendon, tenolysis flexor sublimis tendon, excision of hypertrophic tissue, excision of possible fibroma, excision of mass, right index finger, extensor aspect (separate incision), and reconstruction of extensor aspect, right index finger, with modified advancement flap.

The insurance carrier paid \$2236.00.

After reviewing the documentation provided by both parties, it appears that neither party has provided convincing documentation that sufficiently discusses, demonstrates, and justifies that their purported amount is a fair and reasonable reimbursement (Rule 133.307). After reviewing the services, the charges, and both parties' positions, it is clearly evident that some other amount represents the fair and reasonable reimbursement.

During the rule development process for facility guidelines, the Commission had contracted with Ingenix, a professional firm specializing in actuarial and health care information services, in order to secure data and information on reimbursement ranges for these types of services. The results of this analysis resulted in a recommended range for reimbursement for workers' compensation services provided in these facilities. In addition, we received information from both ASCs and insurance carriers in the recent rule revision process. While not controlling, we considered this information in order to find data related to commercial market payments for these services. This information provides a very good benchmark for determining the "fair and reasonable" reimbursement amount for the services in dispute.

To determine the amount due for this particular dispute, staff compared the procedures in this case to the amounts that would be within the reimbursement range recommended by the Ingenix study (from 192.6% to 256.3% of Medicare for 2003). Staff considered the other information submitted by the parties and the issues related to the specific procedures performed in this dispute. Based on this review and considering the similarity of the various procedures involved in this surgery, staff selected a reimbursement amount in the lower end of the Ingenix range. CPT code 76603 and 73525 are considered global to 27096. Based on this review, the original reimbursement on these services is within the medium to high end of the Ingenix range. The decision for no additional reimbursement was then presented to a staff team with health care provider billing and insurance adjusting experience. This team considered the decision and discussed the facts of the individual case.

Based on the facts of this situation, the parties' positions, the Ingenix range for applicable procedures, and the consensus of other experienced staff members in Medical Review, we find that no additional reimbursement is due for these services.

#### **PART VI: COMMISSION DECISION**

Based upon the review of the disputed healthcare services, the Medical Review Division has determined that the requestor is not entitled to additional reimbursement.

**Findings and Decision by:**

\_\_\_\_\_  
Authorized Signature

Elizabeth Pickle, RHIA

\_\_\_\_\_  
Typed Name

July 6, 2005

\_\_\_\_\_  
Date of Order

#### **PART VII: YOUR RIGHT TO REQUEST A HEARING**

Either party to this medical dispute may disagree with all or part of the Decision and has a right to request a hearing. A request for a hearing must be in writing and it must be received by the TWCC Chief Clerk of Proceedings/Appeals Clerk within 20 (twenty) days of your receipt of this decision (28 Texas Administrative Code § 148.3). This Decision was mailed to the health care provider and placed in the Austin Representatives box on \_\_\_\_\_. This Decision is deemed received by you five days after it was mailed and the first working day after the date the Decision was placed in the Austin Representative's box (28 Texas Administrative Code § 102.5(d)). A request for a hearing should be sent to: Chief Clerk of Proceedings/Appeals Clerk, P.O. Box 17787, Austin, Texas, 78744 or faxed to (512) 804-4011. A copy of this Decision should be attached to the request.

The party appealing the Division's Decision shall deliver a copy of their written request for a hearing to the opposing party involved in the dispute.

**Si prefiere hablar con una persona in español acerca de ésta correspondencia, favor de llamar a 512-804-4812.**

#### **PART VIII: INSURANCE CARRIER DELIVERY CERTIFICATION**

I hereby verify that I received a copy of this Decision and Order in the Austin Representative's box.

Signature of Insurance Carrier: \_\_\_\_\_ Date: \_\_\_\_\_